

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MANUEL PEREZ,
Plaintiff,

- against -

ORDER

CITY OF NEW YORK, et al.,

CV 01-5384 (SLT)

Defendants.

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GO, United States Magistrate Judge:

Under 28 U.S.C. § 1915, "any court ... may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor." Perez's application to proceed in forma pauperis dated November 26, 2005 indicates that he is currently incarcerated and at the time of his application, was employed as a porter at the Wende Correctional Facility Hospital earning about \$20.00 monthly.¹ The Court finds that Perez's application establishes his inability to pay for the prosecution of his case. Although the filing fee to bring this action has already been paid, his application to proceed in forma pauperis is GRANTED to enable him, should this case proceed to trial, to subpoena witnesses without pre-payment of the costs for service. However,

¹ Perez has since been transferred to Coxsackie Correctional Facility. See ct. doc. 32.

should the defendants prevail in this case and plaintiff is found liable for costs, such costs may be recovered from his prisoner account under 28 U.S.C. § 1915.

SO ORDERED.

Dated: Brooklyn, New York
February 27, 2006

/s/
MARILYN DOLAN GO
UNITED STATES MAGISTRATE JUDGE